Says Immunity Is Threatened

Gravel Urges Judge to Stop Probe of Papers' Publication

10-28-71

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BOSTON, Oct. 27—Sen. Mike Gravel (D-Alaska) asked a federal judge here today to order a halt to the grand jury investigation into disclosure of the Pentagon Papers.

Relying on congressional immunity, Gravel's lawyers warned that the senator's interest may be threatened by any witness who testifies in the probe of how the secret Pentagon study was made public last summer.

U.S. District Court Judge W. Arthur Garrity Jr. set a hearing for Thursday morning on Gravel's demand that the Justice Department provide a list of persons subpoenaed and specify the questions to be asked of them before the secret grand jury sessions proceed.

Gravel's motion was aimed specifically at preventing testimony Thursday by Howard Webber, director of the university press at the Massachusetts Institute of Technology.

Although MIT later reversed his decision, Webber had agreed last summer to publish the copy of the Pentagon Papers made public by Gravel during a midnight Senate subcommittee session on June 29.

The senator contends that republication of the subcommittee record—the Pentagon Papers themselves—is covered by the congressional immunity in Article I of the Constitution. The "Gravel edition" of the Pentagon Papers was published last week by Beacon Press here.

Gravel's attorneys assume that the government seeks to identify the Senator's source for the papers and the procedures he followed in arranging for publication of the subcommittee records. Gravel contends that all this is privileged information under the immunity clause.

Webber declined to say tonight whether he intends to comply with the subpoena.

In other court action today, more than 20 professors at Harvard University filed affidavits claiming a First Amendment privilege against grand jury testimony similar to that claimed by newsmen

Supporting the effort of Samuel L. Popkin, an assistant professor of government at Harvard, to avoid his third appearance before the grand jury, the professors warned against "sweeping efforts to compel scholars to reveal their contacts an sources."

Grand jury proceedings scheduled for tday were postponed after it was learned that Attorney Warren P. Reese of the Internal Security Division of the Justice Department was in San Diego. Among the scheduled witnesses was an official of First National City Bank of New York who was carrying unidentified bank records for the grand jury's inspection.

Persons recently subpoenaed in the investigation include David Halberstam, a former staff writer for The New York Times and Harpers Magazine who is writing a history of American involvement in Vietnam that is said to parallel the Pentagon Papers.

Another is K. Dun Gifford former legislative assistant to Sen. Edward M. Kennedy (D-Mass.). Gifford, like Popkin and Halberstam, is known as a close friend of Dr. Daniel Ellsberg, the man who has acknowledged making the Pentagon Papers available to the press.